

VPI/00-102 CON DIV3 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/688,613
Confirmation No.: 2448
Filing Date: October 17, 2003
Examiner: Deborah C. Lambkin
Group Art Unit: 1626
Applicants: Michael Hale et al.
For: PYRAZOLE COMPOSITIONS USEFUL AS INHIBITORS OF ERK

Cambridge, Massachusetts
July 29, 2005

Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(b) and (c)

Dear Sir:

VERTEX PHARMACEUTICALS INCORPORATED, a corporation
organized and existing under the laws of the Commonwealth of Massachusetts, having
an office and place of business at 130 Waverly Street, Cambridge, Massachusetts
02139-4242 ("VERTEX PHARMACEUTICALS INC."), represents that it is the
assignee of record of the entire right, title and interest, by assignment, of the
following:

United States Patent Application No. 10/688,613 ("the '613 application"), for "PYRAZOLE COMPOSITIONS USEFUL AS INHIBITORS OF ERK", filed on October 17, 2003, is a divisional application of Application No. 10/335,793, filed January 2, 2003, now United States Patent 6,699,865 ("the '865 patent"), which in turn is a divisional application of Application No. 10/225,719, filed August 22, 2002, now United States Patent 6,593,357 ("the '357 patent"), which in turn is a divisional application of Application No. 09/972,437, filed October 5, 2001, now United States Patent 6,528,509 ("the '509 patent").

An assignment of the entire right, title and interest in and to the subject matter of the '509 patent, the '357 patent and the '865 patent was recorded in the United States Patent and Trademark Office on October 5, 2001 at Reel/Frame 012245/0762.

The undersigned, on behalf of VERTEX PHARMACEUTICALS INC., hereby disclaims the terminal portion of any patent granted on the '613 application which would extend beyond the expiration date of the '509 patent.

The undersigned, on behalf of VERTEX PHARMACEUTICALS INC., agrees that any patent so granted on the '613 application shall be enforceable only for and during such period as the legal title to said patent shall be the same as the legal title to the '509 patent, this agreement to run with any patent granted on the '613 application and to be binding upon the grantee of the patent and its successors and assigns.

The undersigned does not disclaim any terminal portion of any patent granted on the '613 application prior to the full statutory term of the '509 patent, in the event that the '509 patent subsequently (a) expires for failure to pay a maintenance fee, (b) is

held unenforceable, (c) is found invalid by a court of competent jurisdiction, (d) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), (e) has all claims canceled by a reexamination certificate, or (f) is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

The undersigned, on behalf of VERTEX PHARMACEUTICALS INC., hereby disclaims the terminal portion of any patent granted on the '613 application which would extend beyond the expiration date of the '357 patent.

The undersigned, on behalf of VERTEX PHARMACEUTICALS INC., agrees that any patent so granted on the '613 application shall be enforceable only for and during such period as the legal title to said patent shall be the same as the legal title to the '357 patent, this agreement to run with any patent granted on the '613 application and to be binding upon the grantee of the patent and its successors and assigns.

The undersigned does not disclaim any terminal portion of any patent granted on the '613 application prior to the full statutory term of the '357 patent, in the event that the '357 patent subsequently (a) expires for failure to pay a maintenance fee, (b) is held unenforceable, (c) is found invalid by a court of competent jurisdiction, (d) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), (e) has all claims canceled by a reexamination certificate, or (f) is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

The undersigned, on behalf of VERTEX PHARMACEUTICALS INC., hereby disclaims the terminal portion of any patent granted on the '613 application which would extend beyond the expiration date of the '865 patent.

The undersigned, on behalf of VERTEX PHARMACEUTICALS INC., agrees that any patent so granted on the '613 application shall be enforceable only for and during such period as the legal title to said patent shall be the same as the legal title to the '865 patent, this agreement to run with any patent granted on the '613 application and to be binding upon the grantee of the patent and its successors and assigns.

The undersigned does not disclaim any terminal portion of any patent granted on the '613 application prior to the full statutory term of the '865 patent, in the event that the '865 patent subsequently (a) expires for failure to pay a maintenance fee, (b) is held unenforceable, (c) is found invalid by a court of competent jurisdiction, (d) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), (e) has all claims canceled by a reexamination certificate, or (f) is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

The undersigned hereby states and certifies that:

1. The undersigned is an agent of record in the above-identified patent application and is authorized to act on behalf of assignee corporation in connection with said application; and

2. The above-identified assignment document has been reviewed and, to the best of the undersigned's and assignee's knowledge and belief, title to the '407 patent and to the '331 application is in assignee.

Respectfully submitted,

Karen E. Brown

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